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Senate Bill _____
By _____

House No. HB1390
By Hargrove

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 10, Part 2, relative to the opening, closing, or changing of public roads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-10-201, is amended by deleting the current language in its entirety and substituting instead the following:

Each application to close a road shall be made by written petition, signed by the applicant, to the chief administrative officer of the county highway department. The chief administrative officer may accept or reject the application. If the application is accepted by the chief administrative officer of the county highway department, then the application shall be submitted to the county legislative body for its approval or disapproval.

Provided, however, the county legislative body may, by resolution approved by a two-thirds majority, adopt a procedure whereby the regional planning commission makes recommendations regarding closing roads in the county before the county legislative body votes its approval or disapproval of an application to close a road.

SECTION 2. Tennessee Code Annotated, Section 54-10-202, is amended by deleting from the first sentence the language "opened, changed, or".

SECTION 3. Tennessee Code Annotated, Section 54-10-204, is amended by deleting the current language in it entirety and substituting instead the following:

(a) Upon receiving county legislative body approval to close a road, the chief administrative officer shall associate with two (2) other persons who are freeholders in the county with whom the chief administrative officer has never consulted upon the question involved. Such persons shall be in no way related to the parties affected by such closure, and shall take and subscribe to an oath before the chief administrative officer to act without favor or partiality in the matter. Such oaths, thus subscribed, shall become part of the record, upon appeal being taken.

(b) The chief administrative officer and two (2) freeholders shall constitute a jury of view.

SECTION 4. Tennessee Code Annotated, Section 54-10-205, is amended by deleting the words “of condemnation and”.

Tennessee Code Annotated, Section 54-10-205, is further amended by deleting the word “commissioner” and substituting instead the word “chief administrative officer of the county highway department”.

SECTION 5. Tennessee Code Annotated, Section 54-10-208, is amended by deleting the words “commissioner or commissioners” and substituting instead “chief administrative officer of the county highway department”.

SECTION 6. Tennessee Code Annotated, Section 54-10-211, is amended by deleting the language “opening, closing, or changing”; and substituting instead the language “closing”.

Tennessee Code Annotated, Section 54-10-211, is further amended by deleting the word “commissioner” and substituting instead the words “chief administrative officer of the county highway department”.

SECTION 7. Tennessee Code Annotated, Section 54-10-212, is amended by deleting the language “changed, closed or opened” and substituting instead the language “closed”.

Tennessee Code Annotated, Section 54-10-212, is further amended by deleting the words “commissioner or commissioners” and substituting instead the words “chief administrative officer of the county highway department”.

SECTION 8. Tennessee Code Annotated, Section 54-10-213, is amended by deleting the current language in its entirety and substituting instead the following:

The chief administrative officer of the county highway department may, without petition or application, proceed to close a public road in the county upon approval by the county legislative body.

SECTION 9. Tennessee Code Annotated, Section 54-10-214, is deleted in its entirety.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.